

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO.: 10/700,636

ATTY. DOCKET NO.: Q78174

REMARKS

Claims 1-13 are all the claims pending in the application.

Applicant thanks the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of a certified copy of the priority document submitted November 5, 2003.

Applicant thanks the Examiner for considering the references cited with the Information Disclosure Statements filed July 28, 2005, May 7, 2004 and November 5, 2003.

Applicant thanks the Examiner for indicating that the Formal Drawings filed November 5, 2003 are accepted.

Claims 1, 2, 5, 7, 8, 11 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Vilppula et al. (U.S. Pat. Appln. Pub. No. US 2002/0019698 A1; hereinafter “Vilppula”). Claims 3, 4, 6, 9, 10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vilppula in view of Hiyashida (U.S. Pat. No. 6,963,749). Applicant respectfully traverses these rejections.

In the present invention, the portable telephone calculates a distance between an objective point and the location of the telephone obtained by the previous positioning, determines an existence area where the telephone is located according to the calculated distance, and then selects a positioning method according to the existence area. That is, the portable telephone determines a positioning method to be performed on a next positioning based on the location information obtained by the previous positioning. Such an idea is neither taught nor suggested by the Vilppula reference.

On the contrary, Vilppula teaches a mobile terminal having a positioning method selection device (PMSD) that selects a positioning method based upon the quality of positioning requested by an application:

The PMSD 808 receives requests for positioning data from applications running in the mobile terminal 800 In accordance with the method previously described, the PMSD 808 provides the applications with positioning data that fulfills specified quality requirements and conditions. The PMSD receives the quality requirements and conditions for the selection of the positioning methods from the applications and/or directly from the user via the user interface UI 806.¹

Vilppula further clarifies the function of the PMSD:

[t]he PMSD can automatically determine the best possible positioning method available for use by the terminal's applications, based on requirements specifying the quality of service[.]²

In other words, Vilppula teaches that the method selection is made based on the quality of service requirements of the requesting application. Vilppula fails to teach or suggest a portable telephone which determines a positioning method to be performed on a next positioning based on the location information obtained by the previous positioning. Therefore, Vilppula fails to teach or suggest all of the required features of the claimed invention.

Accordingly, Applicant submits that independent claim 1 is patentable over Vilppula, for at least these reasons. Independent claims 7 and 13 recite features similar to those noted above

¹ See Vilppula, para. [0079].

² See Vilppula, para. [0007].

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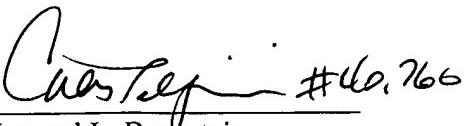
regarding claim 1. Therefore, Applicant submits that claims 7 and 13 are patentable over Vilppula for reasons analogous to those stated above regarding claim 1. Similarly, Applicant submits that dependent claims 2, 5, 8 and 11 are patentable over Vilppula at least by virtue of their respective dependency on claims 1 and 7.

With regard to dependent claims 3, 4, 6, 9, 10 and 12, Applicant submits that Hiyashida fails to cure the deficiency of Vilppula. Therefore, Applicant submits that dependent claims 3, 4, 6, 9, 10 and 12 are patentable over the applied references at least by virtue of their respective dependency on claims 1 and 7.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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